

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG, INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES NOS.
1-50.

Defendants.

Civil Action No. 1:22-cv-00187-
LJV-JJM

[PROPOSED] ORDER

On August 3, 2022, Plaintiff Moog, Inc. submitted its Motion to Compel Discovery Necessary for Further Trade Secret Identification (the “Motion,” ECF 210.)

Having considered the Motion, the parties’ additional filings (ECF 242, 249, 277 280, and 281), and argument regarding the same, and good cause appearing therefore, the Court hereby GRANTS-IN-PART and DENIES-IN-PART the Motion and further orders as follows:

1. The portions of Moog’s motion that seek to require the privilege review by Skyryse of the Individual Defendants’ devices, and to compel the production of Virtual Shadow Copies, the EC9789D10 USB drive, and Mr. Alex Wang’s Skyryse-issued laptop (ECF 210 at 6-10) are denied as moot.

2. The portions of Moog’s motion that seek to require Skyryse to turn over to iDS nine laptops and two USB devices in their entirety (*id.* at 7-10) are denied as overbroad, unduly burdensome, and disproportionate to the needs of the case. Moog’s additional request that Skyryse produce to iDS entire images of the laptops issued by Skyryse to Mr. Sathya Achar, Mr. Eric Chung, and Mr. Tri Dao, and Moog’s request that Skyryse produce file listings and connection

histories for the laptops issued by Skyrise to Lawrence Chow, Santiago Correa-Mejia, John Stafford, Cynthia Le, and Mario Brenes and the 55D28D65 USB drive (ECF 282) are denied as overbroad, unduly burdensome, and disproportionate to the needs of the case. Much of the allegedly relevant information pertaining to the custodians of these devices has been produced and Moog has failed to meet its burden to justify extraordinary demands for the production of three laptops in their entirety or file listings of five additional laptops.

3. The Court grants-in-part the remainder of Motion and orders Skyrise to provide the following discovery. As Skyrise has proposed in its November 7, 2022 letter, Skyrise is hereby ordered to provide Moog with file listings for the laptops issued by Skyrise to Messrs. Achar, Chung and Dao and the 55D28D65 USB device. Skyrise shall have ten (10) days from the date of this Order to produce to Moog listings reflecting the files contained on these imaged devices. Moog will have ten (10) days to identify and request production of any potentially relevant files on these devices and explain their relevance and discoverability to Skyrise in writing. Skyrise will have ten (10) days from receiving that identification to produce the requested files. To the extent discovery disputes arise over such requests that require resolution by a motion to the Court, nothing in this Order is intended to affect who carries the burden under the Federal Rules for such a motion.

IT IS SO ORDERED.

DATED: _____, 2022

The Honorable Jeremiah J. McCarthy
United States Magistrate Judge